

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED
MAR 14 2018
Clerk, U.S. Courts
District Of Montana
Missoula Division

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRYCE DAVID KOCH,

Defendant.

CR 18-1-M-DLC

ORDER

Pursuant to this Court's February 8, 2018 Order (Doc. 16), the Bureau of Prisons has designated Federal Detention Center, SeaTac, Washington ("FDC SeaTac"), as the facility where Defendant Bryce David Koch ("Koch") will undergo an evaluation to determine his competency to proceed in this matter.

Accordingly, IT IS ORDERED:

1. Koch shall be committed to FDC SeaTac and subjected to a psychiatric or psychological examination to be conducted in accordance with 18 U.S.C. §§ 4241(b) and 4247(b) and (c). The evaluation shall be completed by **April 4, 2018**, thirty days after his arrival at the facility on March 5, 2018.

2. The report shall include:

(i) Koch's history and present symptoms;

- (ii) a description of the psychiatric, psychological, and medical tests that were employed and their results;
- (iii) the examiner's findings; and
- (iv) the examiner's opinions as to diagnosis, prognosis, and:
 - (a) whether Koch is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

3. The report shall be filed with the Court on or before **April 18, 2018**, with copies to counsel for the Defendant and the Government.

4. All time from the date of this Order until the date of the Court's determination as to Koch's competency is excludable under the Speedy Trial Act. 18 U.S.C. § 3161(h)(1)(A), (F).

5. The Government is prohibited from using any statements that Koch may make in his competency examination as explained in *United States v. Nguyen*, 962 F. Supp. 1221 (N.D. Cal. 1997).

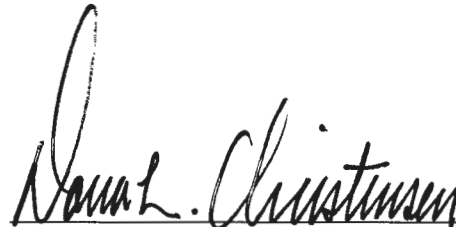
6. Upon receipt of the report and the return of Koch to this district, the Court shall hold a hearing pursuant to 18 U.S.C. § 4241(c).

7. The United States Marshals Service shall take no more than ten days to return Koch from FDC SeaTac back to the District of Montana. *See* 18 U.S.C. §

3161(h)(1)(F).

8. The Clerk of Court is directed to immediately notify the parties, the United States Marshals Service, and FDC SeaTac of the entry of this Order.

DATED this 14th day of March, 2018.



Dana L. Christensen, Chief Judge
United States District Court